
Will Worksheet

Yongsan Client Legal Services Office

738-6841/8111

PRIVACY ACT STATEMENT

AUTHORITY: United States Code, Title 10, Section 8072. **PRINCIPAL PURPOSE:** To assist a judge advocate in the preparation of a client's will. **ROUTINE USES:** To provide a judge advocate with sufficient information to draft a client's will. The Office of the Staff Judge Advocate maintains no file copy. **MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL BY NOT PROVIDING INFORMATION:** Disclosure is voluntary, but nondisclosure prohibits preparation of a will.

Welcome to the Yongsan Client Legal Services Office. This worksheet will answer common questions concerning wills, prepare you to discuss your needs and desires with an attorney, and provide a convenient form on which to record important information. After completing this worksheet, return it to the Client Legal Services Office and schedule an appointment to speak with an attorney and have your will prepared and signed. If you do not understand any part of this worksheet, leave the question blank and discuss it with your attorney during the interview.

WHAT IS A WILL? A will is a legal document which states your desires concerning what will happen to your property after your death. A will also contains other specific directions from you concerning who is to implement your instructions and, perhaps, who will care for any minor children you may leave behind.

WHY SHOULD I MAKE A WILL? If you die without a valid will, the distribution of your property will be governed by the laws of your domicile or state of legal residence, and perhaps by the laws of the state in which you die. Your wishes usually will not be considered.

IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE? No! For example, proceeds of life insurance policies (including SGLI) are distributed as you have designated in the insurance policy, and property that you own jointly with another person will, normally, go to the other joint owner. Likewise, certain bank accounts which are payable on death go directly to the beneficiary. Property passed to beneficiaries in these ways avoids the probate proceeding.

WHAT IS PROBATE? Probate is a court procedure by which a will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

CLIENT'S INFORMATION

FULL NAME: _____ SSN: _____
FIRST MIDDLE LAST

PERMANENT RESIDENCE _____ MARRIED?: YES: ___ NO: ___

FULL NAME OF SPOUSE: _____

CURRENT MAILING ADDRESS: _____

CITY STATE ZIP

ARE YOU A U.S. CITIZEN? YES: ___ NO: ___ IS YOUR SPOUSE A U.S. CITIZEN? YES: ___ NO: ___

FULL NAMES OF CHILDREN	AGE	CHILD	STEPCHILD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Do you want adopted or stepchildren to be expressly INCLUDED _____ expressly EXCLUDED _____ or do you want your Will to be SILENT on this subject _____?

STATUS: ___ ACTIVE DUTY MILITARY, RANK: ___ ___ SPOUSE of ACTIVE DUTY MILITARY
___ RETIRED MILITARY, RANK: ___ ___ SPOUSE of RETIREE
___ DEPENDENT of AD MILITARY ___ DEPENDENT OF RETIREE
___ OTHER, please specify: _____

*****PERSONAL REPRESENTATIVES*****

WHAT IS A PERSONAL REPRESENTATIVE? A personal representative or executor is a person that you name in your will to carry out your desires, as expressed in your will, and to settle your estate. Settlement includes paying, from your estate, any taxes and debts you may owe. Many married people name their spouse as their personal representative. Your personal representative will have an important role; choose him/her with care, and discuss the matter with him/her. Be sure that the person you name is one you trust and have confidence in.

	Relationship	City & State of Residence
PRIMARY: _____	_____	_____

ALTERNATE: _____	_____	_____
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____ Check here if you want co-personal representative instead of alternate or successor. If a co-personal representative fails to qualify -

____ the other may act alone ____ the other may appoint a new co-personal representative

____ another co-personal representative is to be designated in this Will: _____

WHAT IS A GUARDIAN? A legal guardian is the person who will act as the parent for any of your children who are minors at the time of your death. Normally, if your spouse survives you, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

	Relationship	City & State of Residence
PRIMARY: _____	_____	_____

ALTERNATE: _____	_____	_____
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____ Check here if you want co-guardians instead of an alternate

____ Check here if no guardian is to be appointed in this Will

*****DISTRIBUTION OF PROPERTY*****

WHAT CAN I DO WITH MY PROPERTY?: You can dispose of your property any way you wish, although state law may give your spouse and/or your children a right to a portion of your property regardless of your stated intentions. Many married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children. The provisions of your will DO NOT control life insurance proceeds, including SGLI, nor any other property that passes to beneficiaries outside of the probate proceeding.

CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE? Yes, these are called specific bequests and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful about specific bequests. If you dispose of the property that you describe, or if there is any doubt about the exact property that you have described in your will, you may be creating difficulties for your personal representative.

WHAT IS THE VALUE OF YOUR (OR YOU AND YOUR SPOUSE'S) ESTATE? (include the all life insurance (SGLI, VGLI, commercial insurance policies), real estate, personal property, checking/savings account balances, and investment accounts)

____ under \$500,000 ____ between \$500,000 and \$1,000,000 ____ over \$1,000,000

DO YOU OWN A BUSINESS OR FARM? Yes ____ No ____

HOW DO YOU WANT TO DISPOSE OF YOUR TANGIBLE PERSONAL PROPERTY? (Tangible personal property is property owned by you at the time of death {except cash} including, without limitation, personal effects, household goods, clothing, jewelry, furniture, vehicles, etc.)

____ all to your spouse

____ all to your children

____ as provided with regard to the residuary estate

____ all to one beneficiary (enter name): _____

____ other (describe disposition and shares): _____

ARE THERE TO BE SPECIFIC OR CASH BEQUESTS? (enter description of property and the person who is to receive it):

HOW DO YOU WANT TO DISPOSE OF YOUR RESIDUARY ESTATE? (The residuary estate is the remaining property {usually cash and real estate} after the tangible personal property has been disposed of and specific bequests made.)

__ to your spouse outright

__ if spouse predeceases, to your children per stirpes. (Per stirpes is a method of distribution whereby the descendants of your child receive your child's share of the estate if your child has died before the estate is distributed)

__ a minimum bequest to spouse (disinheriting spouse to the extent permitted by law)

[balance to __ your children or __ other beneficiaries]

__ to your children per stirpes

__ to one beneficiary outright; Name & Relationship: _____

__ to more than one beneficiary in __ equal or __ unequal shares, Names & Relationships: _____

DO YOU WANT TO DESIGNATE ALTERNATE BENEFICIARIES? The alternate beneficiary may be an individual or group of people, and you can designate a series of alternate beneficiaries:

Relationship

AT WHAT AGE DO YOU WANT YOUR CHILDREN TO RECEIVE THEIR INHERITANCE OUTRIGHT?

__ 18 __ 21 __ 25

Note: Selecting an age greater than 21 will force the creation of an express trust. Trusts can be costly to administer.

TRUST OR UGMA/UTMA

WHAT IS A TRUST AND HOW MIGHT IT BE USED FOR THE BENEFIT OF MY CHILD(REN)? A trust is similar to a bank account that you create for the use of your children; the property you leave to your children automatically goes into the account. When your child reaches a certain age that you have decided upon in your will, all the money that remains in the account is distributed to the child. A "separate" trust sets up an account for each of your children and each child receives his or her share of the account when he or she reaches the required age. A "unitary" trust creates one account that all of your children share and none of the children will receive his or her share until the youngest reaches the required age. You appoint a "trustee" who is legally responsible for the account to watch over the account and distribute money to your children. A trustee must be selected with care. The trustee should be a person you have confidence in, someone who knows your children and understand their needs.

ARE THERE ALTERNATIVES TO A TRUST AVAILABLE? Yes. Specifically, the Uniform Gifts to Minors Act (UGMA) or the Uniform Transfers to Minors Act (UTMA) creates custodianships which are generally recognized in state law and may be preferable to the creation of a trust in your will. If one or more of the beneficiaries in your will is a minor, the custodian you appoint establishes an UGMA/UTMA account for each minor. Like a trustee, the UGMA/UTMA custodian will be charged with administering the funds for the benefit of your children. Unlike a trustee, the custodian's duties and responsibilities are defined in state law rather than in your will.

IF YOU ARE CONSIDERING A TRUST, SPEAK WITH YOUR ATTORNEY?

Are you considering a trust? Yes ____ No ____

FUNERAL ARRANGEMENTS

If you have any preferences regarding funeral arrangements (cremation vs. burial, full military honors, specific location, etc.), please list them here.

MAKE NOTES BELOW ABOUT ANYTHING ELSE ABOUT YOUR WILL THAT YOU WANT TO DISCUSS WITH YOUR ATTORNEY:

**** FOR MARRIED COUPLES REQUESTING WILLS****

Whenever two people choose to be represented by one attorney, there is always some risk of conflict of interest. An attorney cannot represent two people who have significantly contrary goals (imagine an attorney trying to represent both the buyer and seller of a car). Attorneys are prevented by professional ethics rules from representing multiple people when such a conflict of interest exists or can reasonably be expected to arise.